



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,038	06/06/2000	Li Mo	064731.0142	9665

7590 10/07/2003
Baker Botts LLP
2001 Rosse Avenue
Dallas, TX 75201-2980

EXAMINER

HO, CHUONG T

ART UNIT	PAPER NUMBER
----------	--------------

2664

DATE MAILED: 10/07/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/589,038

Applicant(s)

Mo et al.

Examiner

Ho

Art Unit

2664

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 19-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 19-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 11
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4-10 6) ☐ Other:

Art Unit: 2664

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-10, 19-29, drawn to standby switch, classified in class 370, subclass 219, 220.
 - II. Claims 11-18, drawn to bridge or gateway between networks, classified in class 370, subclass 401, 402, 466, 467.
 - III. Claims 30-32, drawn to channel assignment , classified in class 370, subclass 431, 329, 341.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, invention I has separate utility such as generating a first protection path from each of the nodes to a destination node; generating a second protection path from each the of the nodes to the destination nodes; and routing protecting traffic along one of the protection paths to the destination node; Invention II has separate utility such as at least two ports, each ports operable to receive and transmit traffic for the node; and a protection egress port identifier operable to identify one of the ports as a protection egress port for a specified ingress port and a specified

Art Unit: 2664

destination node, the protection egress port operable to transmit protection traffic received at the specified ingress port for the specified destination node.

3. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, invention I has separate utility such as generating a first protection path from each of the nodes to a destination node; generating a second protection path from each the of the nodes to the destination nodes; and routing protecting traffic along one of the protection paths to the destination node; Invention III has separate utility such as identifying a plurality of peripheral nodes from which the central node receives traffic; for each of the peripheral nodes, determining a working bandwidth for the central node based on working traffic from the peripheral node; for each of the peripheral nodes, determining a protection bandwidth for the central node based on protection traffic from the peripheral node; and for each of the peripheral node, reserving additional bandwidth for the central node based on the peripheral node is greater than the working bandwidth for the central node based on the peripheral node .

4. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions ; Invention II has separate utility such as at least two ports, each ports operable to receive and transmit traffic for the node; and a protection egress port identifier operable to

Art Unit: 2664

identify one of the ports as a protection egress port for a specified ingress port and a specified destination node, the protection egress port operable to transmit protection traffic received at the specified ingress port for the specified destination node; Invention III has separate utility such as identifying a plurality of peripheral nodes from which the central node receives traffic; for each of the peripheral nodes, determining a working bandwidth for the central node based on working traffic from the peripheral node; for each of the peripheral nodes, determining a protection bandwidth for the central node based on protection traffic from the peripheral node; and for each of the peripheral node, reserving additional bandwidth for the central node based on the peripheral node is greater than the working bandwidth for the central node based on the peripheral node .

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, III, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, III, restriction for examination purposes as indicated is proper.

7. Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Group I, II, restriction for examination purposes as indicated is proper.

8. During a telephone conversation with Mr. Terry Stalford on September 11, 2003 a provisional election was made without traverse to prosecute the invention of Group I , claims 1-

Art Unit: 2664

10, 19-29. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-18, 30-32 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 1, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (U.S. Patent No. 6,353,593).

Art Unit: 2664

In the claim 1, Chen et al. discloses a system for providing protection for connectionless signals (see col. 1, lines 23-25) in a telecommunications network comprising a plurality of nodes (30, 32, 34), the system comprising:

- ◆ generating a first protection path (44) from each (30) of the nodes to a destination node (34) (see col. 4, lines 22-26, col. 6, lines 37-41, col. 7, lines 10-15, col. 2, lines 12-18);
- ◆ generating a second protection path (46) from each (30) of the nodes to a destination node (34), the second protection path (46) distinct from the first protection path (44) (see col. 4, lines 22-26, col. 6, lines 37-41, col. 7, lines 10-15, col. 2, lines 12-18);
- ◆ routing protection traffic along one of the protection paths (44, 46) to the destination node (34) (see col. 4, lines 22-26, col. 6, lines 37-41, col. 7, lines 10-15, col. 2, lines 12-18).

11. In the claim 19, Chen et al. discloses a system for providing protection for connectionless signals (see col. 1, lines 23-25) in a telecommunications network comprising a plurality of nodes (30, 32, 34), the system comprising:

- ◆ generating a first protection path (44) from each (30) of the nodes to a destination node (34) (see col. 4, lines 22-26, col. 6, lines 37-41, col. 7, lines 10-15, col. 2, lines 12-18);
- ◆ generating a second protection path (46) from each (30) of the nodes to a destination node (34), the second protection path (46) distinct from the first protection path (44) (see col. 4, lines 22-26, col. 6, lines 37-41, col. 7, lines 10-15, col. 2, lines 12-18);

Art Unit: 2664

- ♦ routing protection traffic along one of the protection paths (44, 46) to the destination node (34) (see col. 4, lines 22-26, col. 6, lines 37-41, col. 7, lines 10-15, col. 2, lines 12-18).

12. Claims 2-7, 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Patent No. 6,353,593 B1) in view of Asaki (U.S. Patent No. 6,222,653 B1).

In the claim 2, 20, Chen et al. discloses the limitations of claim 1 above.

However, Chen et al. is silent to disclose each (the generating the first protection path and generating the second protection path) comprising decomposing the telecommunication network.

Asaki discloses a device comprising a plurality of nodes and four optical transmission lines of clockwise and counter-clockwise working operation lines and clockwise and counter-clockwise stand-by (protection lines) lines which connect the nodes in form of a ring (see abstract); comprising:

- ♦ generating the first protection path and generating the second protection path each comprising decomposing the telecommunication network (see figure 1, see col. 6, lines 14-16).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chen's system with the teaching of Asaki to provide each (the generating the first protection path and generating the second protection path) comprising decomposing the telecommunication network in order to change the working path transmission to the stand-by

Art Unit: 2664

transmission line. The combined system would have been secured by by-passing the failed transmission line.

13. In the claims 3, 21, Asaki discloses decomposing the telecommunications network comprising decomposing the telecommunications network into a ring (see figure 1, see col. 6, lines 14-16).

14. In the claims 4, Asaki discloses decomposing the telecommunications network into at least one ear (see figure 1, see col. 6, lines 14-16).

15. In the claims 5, 6, Asaki discloses the telecommunications network further comprising charting the ring horizontally beginning with the destination node and ending with the destination node (see figure 1, see col. 6, lines 14-16).

16. In the claim 7, Asaki discloses generating the first protection path further comprising generating the first protection path in a first direction based on the charted ring and ears and generating the second protection path further comprising generating the second protection path in a second direction based on the charted ring and ears (see figure 1, see col. 6, lines 14-16).

17. Claims 8, 9, 22-29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Patent No. 6,353,593 B1) in view of Mochizuki et al. (U.S. Patent No. 6,122,249).

In the claims 8, 9, 28, 29, Chen et al. is silent to disclose the limitations of claim 1 above.

However, Chen et al. is silent to disclose classifying received traffic as working traffic or protection traffic.

Art Unit: 2664

Mochizuki et al. discloses An ADM apparatus has high-order interfaces, path setting units, a dropping path protection switch, an inserting path protection switch, and low-order interfaces. Each of the path setting units sets a path for an input/output signal according to path protection or inserts the signal (see col. 1, lines 45-50); comprising:

- ◆ classifying received traffic as working traffic or protection traffic; and routing protection traffic comprising routing protection traffic based on the classification of the received traffic as working traffic or protection traffic (see col. 1, lines 45-50).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Chen's system with the teaching of Mochizuki to route protecting traffic based on the classification of the received traffic in order to protect a failure which occurs the working path.

18. In the claims 22, 23, Mochizuki discloses each of the nodes comprising at least two ports, each port operable to receive and transmit traffic for the node, and a protection egress port identifier operable to identify one of the ports as a protection egress port for a specified ingress port and a specified destination node, the protection egress port operable to transmit protection traffic received at the specified ingress port for the specified destination node (see col. 1, lines 48-67).

19. In the claims 24, 25, Mochizuki discloses an egress selector operable to select an egress port for transmitting traffic for the node (see col. 1, lines 48-67).

Application Number: 09/589,038

Art Unit: 2664

20. In the claims 26, 27, Mochizuki discloses each of nodes further comprising a working traffic egress port identifier operable to identify one of the ports as a working traffic egress port for a specified ingress port and a specified destination node, the working traffic egress port operable to transmit working traffic received at the specified ingress port for the specified destination node (see col. 1, lines 48-67, col. 2, lines 21-25).

Conclusion


21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong Ho whose telephone number is (703)306-4529. The examiner can normally be reached on Monday-Friday from 9am to 3pm.

22. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington, Chin, can be reached on (703)305-4633.

Any inquiry of a general nature or relating to the status of this application or proceeding should be direct to the group receptionist whose telephone number is (703) 305-3900.

CH

Date 09-19-03..


CHUONG HO
Examiner
09/19/03